

# A Model for Transparency in School Training and Curriculum

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## **SECTION 1. PURPOSE**

The purpose of this policy document is to ensure public transparency in schools' instructional, training, and learning materials; and to give parents and students reasonable access to review such materials.

## **SECTION 2. TRANSPARENCY IN TRAINING AND CURRICULUM**

A. The governing body of a public school, including public charter schools, shall ensure that the following information is displayed on the school website in an easily accessible location:

(1) All instructional or training materials, or activities, used for staff and faculty training [OPTIONAL: add "on all matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, gender, or bias, or any combination of these concepts with other concepts"].

(2) All learning or curricular materials, or activities, used for student instruction [OPTIONAL: add "on matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, gender, or bias, or any combination of these concepts with other concepts"]. Such display of materials or activities shall identify, at a minimum:

- i. The title, author, organization, and any website associated with each material and activity;
- ii. A link to the learning material, if publicly available on the Internet; or, if not freely and publicly available, a brief description of the learning material and information on how to request review of a copy of the learning material; and

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- iii. If the learning material was created for non-public use, the identity of the teacher, staff member, school official, or outside presenter who created it; such identification may be indicated by a personal title and last initial if referring to a teacher, staff member, or school official.
- (3) Any procedures for the documentation, review, or approval of the training, learning, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.
- (4) For the purposes of this section:
  - i. "Learning materials" include, but are not limited to, the following: all textbooks, reading materials, videos, activities, digital materials, websites, and other online applications.
  - ii. "Used for student instruction":
    - (a) Means assigned, distributed, or otherwise presented to students in any course for which students receive academic credit; or in any educational capacity in which participation of the student body is required by the school or in which a majority of students in a given grade level participate.
    - (b) Applies also to any materials from among which students are required to select one or more, if the available selection is restricted to specific titles.
  - iii. "Original materials" means learning materials owned or licensed by the school district, school, faculty, or staff that are used for student instruction.
  - iv. "Activities" include but are not limited to assemblies, guest lectures, or other educational events facilitated by the institution's faculty or staff, including those conducted by outside individuals or organizations, excluding student presentations.
- (5) Nothing in this subsection (A) shall be construed to require the digital reproduction or posting of copies of the learning materials themselves, where such reproduction would infringe upon copyrighted material; but in such cases, the school should offer a link to a publicly available website describing and offering access to the learning materials, if possible; and upon request, if the materials are not offered free of charge, provide the learning materials for public inspection, as required under subsection (2)(ii) of this section, at the school building where the learning materials or activities are used for student instruction, and no later than 30 days after requested. To the extent practicable, each school shall make any and all learning materials, including original materials, available for public inspection and allow the public to copy, scan, duplicate, or photograph portions of original materials within the limits of "fair use" under Section 107 of the Copyright Act.
- B. The information required by subsection (A) of this section shall be displayed online prior to the first instance of training or instruction, or, at latest, seven days after the training or instruction. Such information shall be organized by school, grade, teacher, and subject, and remain displayed on the school website for at least two years. For privacy purposes, teachers and staff employed by the school may request that a school use a personal title and last initial in lieu of a full name. The date of the latest modification or update to such information shall be displayed on the same website location.

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**CONTACTS**

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- C. To prepare and host the listing of materials and activities pursuant to subsection (A), a school may, but is not required to, utilize a collaborative online document or spreadsheet software that allows multiple authorized users to update or make additions to posted content on an ongoing basis, as long as a link to the listing is publicly accessible via the school website.
- D. The listing of materials and activities pursuant to subsection (A) shall be created and displayed in searchable or sortable electronic formats.
- E. A school whose governing board is responsible for the operation of schools with fewer than (X) students cumulatively is not required to post a list of learning materials and activities pursuant to this section. [Each state can set the threshold for this exception based on its unique circumstances.]
- F. The attorney general, state superintendent of public instruction, auditor general, or district or county attorney for the district or county in which an alleged violation of this section occurs may initiate a suit in the district or county court in the jurisdiction in which the school district, public school, public charter school, or other governmental entity responsible for the oversight of public secondary or elementary schools is located for the purpose of complying with this section.
- G. An attorney acting on behalf of a school district, public school, public charter school, or governmental entity responsible for the oversight of public secondary or elementary schools may request a legal opinion of the county or district attorney or the attorney general as to whether a particular piece of training, learning, or curricular material fits under this subsection.
- H. On complaint, the [appropriate state] court in the [district] in which the public school resides has jurisdiction to order the production of any learning materials or other materials or activities, as specified in this section, improperly withheld from the complainant. In such a case, the court shall determine the matter *de novo*, and may examine the contents of such materials *in camera* to determine whether such materials or any part thereof shall be withheld. The court may assess against the governing body of the public school reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In the event of noncompliance with the order of the court, the court may punish for contempt the responsible official or employee. Courts should not entertain complaints under this subsection unless complainants have first attempted to remedy the noncompliance by contacting school officials and the school's governing body.
- I. The provisions of this policy document are hereby declared to be severable. If any provision of this policy document or the application of such provision to any person or circumstance is declared or held to be invalid for any reason, such declaration or holding shall not affect the validity of the remaining portions of this policy document and the application of its provisions to any other persons or circumstances.